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FOR NEA/ARP

E.O. 12958: DECL: 11/10/2017  
TAGS: [PTER](#) [PREL](#) [PGOV](#) [YM](#)  
SUBJECT: FM AL-QIRBI HOPES COURT WILL "CORRECT" MOA'YAD  
VERDICT

REF: SANAA 2050

Classified By: AMBASSADOR STEPHEN A. SECHE FOR REASONS 1.4 (B) AND (D)

11. (U) On November 9, several mainstream Yemeni press outlets ran stories on the announcement by Deputy Director of the National Organization for Rights and Freedoms (HOOD) Khaled al-Anesi, that attorneys for imprisoned terrorist financier Sheikh Mohamed Ali al-Moa'yad and his companion Zayed intended to appeal the verdict against the two in an appellate court in New York on November 25. On the same day, Foreign Minister AbuBakr al-Qirbi said in an interview that he hopes the U.S. Appellate Court will "correct" the verdict.

The Foreign Minister went on to say that the trial of the two men and the manner of their capture violated international law. On November 8, both "Al-Thawra" and "Al-Sahwa" ran a back page editorial by President Saleh's cultural advisor Dr. Abdulaziz al-Maqaleh entitled "About the Dilemma of the Noble Sheikh al-Moa'yad."

12. (C) HOOD is headed by al-Moa'yad lawyer Mohammed Naji Alaw. When contacted by EMBOFF concerning the announced appeal, al-Anesi said that he was in constant contact with Alaw and clarified that the date of the appeal hearing is November 26. Anesi went on to note that Alaw had received permission to visit al-Moa'yad in Colorado on November 18 and that he would be accompanied by the Consul from Yemen's embassy in Washington. Anesi told EMBOFF that al-Moa'yad was receiving what he described as "better treatment" than he had previously but noted that al-Moa'yad is "mentally weak."

13. (C) Al-Qirbi's interview, reported on moatomer.net, covered a variety of issues. When asked about al-Moa'yad's case and ROYG efforts on al-Moa'yad's behalf he said the ROYG was attempting to help him in two ways. First, the ROYG is supporting the efforts of al-Moa'yad's family to gain his release through legal channels in the United States. Al-Qirbi noted that President Saleh had emphasized al-Moa'yad's innocence to U.S. officials but pointed out that under the U.S. system the executive branch can not intervene directly until the judiciary had acted on the case. The Foreign Minister went on to say that the second prong of ROYG efforts involved intervening with the USG to ameliorate the conditions under which al-Moa'yad is being held. (Note: al-Anesi's comments would tend to indicate that the ROYG had achieved this goal to some extent, for example through the lifting of the Special Administrative Measures (SAMS). End note.) Al-Maqaleh's editorial discussed in detail his long relationship with al-Moa'yad. The two knew each other as students and later as neighbors when al-Moa'yad was an Imam. He wrote that al-Moa'yad called for tolerance between people and did not support violence. He compared the method of al-Moa'yad's capture to piracy and called on all Arabs and Muslims to condemn al-Moa'yad's imprisonment and ask for his release.

14. (C) Comment. The Saleh government finds itself in a difficult position. On one hand, it is anxious to repair the damage done to the bilateral relationship with the United States by the Badawi affair and appears to be trying to burnish its counterterrorism credentials by highlighting recent CT victories (reftel). On the other hand, the Saleh government, like others in the region, is loath to appear to be giving in to Western pressure. In al-Moa'yad, the ROYG likely believes it has an issue it can use to gain maximum credit with its own people (al-Moa'yad is seen by Yemenis as a pious man who is the victim of entrapment) with minimum U.S. backlash (Moa'yad's age and ill-health seem to make him unlikely to become a renewed threat). We expect to hear more public discussion of the subject by official Yemeni sources up to the time of the appeal hearing and immediately thereafter.

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